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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,240	02/09/2004	Wen Ching Huang	MR3287-9	7150
4586	7590	10/07/2005	EXAMINER	
ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLICOTT CITY, MD 21043			SAFAVI, MICHAEL	
			ART UNIT	PAPER NUMBER
			3673	

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/773,240

Applicant(s)

HUANG, WEN CHING

Examiner

Michael Safavi

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "spherical balls" of claim 4 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to because:

(1) Fig. 1, the underlining under reference numeral "1" should be removed because underlining under a reference numeral is used when the reference numeral is placed on the structure it is representing rather than using a lead line;

(2) Fig. 2, reference numeral "1" should be changed to reference numeral --2-- and should not be underlined because underlining under a reference numeral is used when the reference numeral is placed on the structure it is representing rather than using a lead line;

(3) Figs. 3-5, the underlining under reference numeral "3" should be removed because underlining under a reference numeral is used when the reference numeral is placed on the structure it is representing rather than using a lead line;

(4) Fig. 6, the should be a brace (i.e., "{" or "}") around all three structures shown similar to that of Fig. 3; and

(5) Fig. 7, the underlining under reference numeral "32" should be removed because underlining under a reference numeral is used when the reference numeral is placed on the structure it is representing rather than using a lead line.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet,

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and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### **Specification**

The examiner notes that the specification is replete with idiomatic English and appears to be a direct translation from a foreign language. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors and therefore, the examiner requests Applicant's cooperation in correcting any and all errors of which Applicant may become aware in the specification. The following is but a few of the errors in the specification noticed by the examiner.

The disclosure is objected to because of the following informalities:

- (1) page 1, line 9, change the word "please" to the words --be pleasing--;
- (2) page 1, line 10, change the word "used" to the word --known--;
- (3) page 1, line 11, change the word "clarified" to the word --classified--;
- (4) page 1, line 15, after the word "help", insert the word --in--;

(5) page 1, line 20, change the word "They" to the words --These covers-- and change the word "by" to the word --with--;

(6) page 1, line 21, change the words "the weather." to the words --the changing weather from season to season.--;

(7) page 2, line 12, change the words "the present pillow often brings inconvenience." to the words --the presently known pillows often are inconvenient.--;

(8) page 2, line 23, change the words "coupling with" to the words --coupled to--;

(9) page 3, line 3, change the word "enhance" to the word --enhancing--;

(10) page 3, line 11, change the word "is" to the words --figures are--;

(11) page 3, line 12, change the word "is" to the word --are--;

(12) page 3, line 13, change the word "constitutes" to the word --constitute-- and after the word "drawing", insert the word --figures--;

(13) page 3, line 14, change the word "illustrates" to the word --illustrate--;

(14) page 3, line 15, change the word "serves" to the word --serve--;

(15) page 3, line 22, delete the word "on";

(16) page 3, line 23, after the word "view", insert the words --of the pillow--;

(17) page 3, line 24, after the word "view", insert the words --illustrating a cross-section of the pillow while in use--;

(18) page 3, line 25, delete "in use";

(19) page 3, line 26, after the word "illustrating", insert the words --an application of the present invention--;

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(20) page 4, line 1, after the word "view", insert the words --of the bed including the replaceable bedding structure--;

(21) page 4, line 2, delete "in use";

(22) page 4, line 4 through page 7, line 6, constitutes that "Detailed Description of the Preferred Embodiments" section, but there is no description of Fig. 3 and the examiner cautions that if a description of Fig. 3 is inserted, no new matter should be added;

(23) page 4, line 17, change the words "coupling with" to --coupled to--;

(24) page 5, line 9, change the word "cab" to --can--;

(25) page 5, line 11, change the words "occurred to" to --of--;

(26) page 5, line 19, change the word "sink" to --compress--;

(27) page 5, line 22, delete the words "it is for";

(28) page 5, line 23, after the word "invention" and before the period punctuation mark (i.e., "."), insert the words --is shown--; and

(29) page 6, line 8, change the words "occurred to" to --of--.

Appropriate correction is required.

### ***Claim Objections***

Claim 1 is objected to because of the following informalities:

(1) claim 1, lines 1-2, the recitation of a replaceable bedding structure "for double uses in winter and summer" is awkward and the examiner suggests changing the quoted language to --for use in both winter and summer-- or some similar language.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(1) claim 2, line 2, the recitation that "the blocks are flat bamboos" is confusing and indefinite and should be amended to language such as --the blocks are flat pieces of bamboo--; and

(2) claim 4, line 2, the recitation that "the blocks are spherical balls" is confusing because blocks are usually associated with having a square or rectangular cross-section and being cubical and while the Applicant is allowed to be his own lexicographer, he/she is not allowed to distort the normal and ordinary meaning of a word so that the examiner suggests changing all occurrences of the word "block" in the specification and claims to --protrusion-- or some similar language that is generic and that does not have a connotation associated with a particular shape.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:



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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 2, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Budinquest (U.S. Patent No. 2,789,292) in view of Wang (U.S. Patent Application Publication No. 2004/0075310) and Glenn (U.S. Patent No. 5,333,930).**

As to claim 1, Budinquest discloses a replaceable bedding structure (see Figs. 1 and 2)) for double uses in winter and summer, comprising:

a body (mattress (10)); and

a cover (5, 12) encasing the body (10) having a bottom cover (5) and a upper cover (12) coupled to the bottom cover (5);

wherein the bottom cover (5) has an opening (at inner edges of peripheral flange (9)) and a coupling section (peripheral flange (9) having buttons (11) thereon) located on the periphery of the opening (at inner edges of peripheral flange 9), the upper cover (12) having a base (12), and a connecting section (marginal edge on which button holes (14) are located) located on the outer periphery of the base (12) to engage with the coupling section (peripheral flange (9) having buttons (11) thereon) so that the upper cover (12) and the bottom cover (5) are coupled to encase the body (10).

Budinquest fails to explicitly disclose that a plurality of spaced blocks are laid on the base and are interconnected by connection threads.

Wang discloses a plurality of spaced blocks (heat dispersing elements (111), such as bamboo piece) in Fig. 1 or (111') in Fig. 4) laid on the base (11). However, although Wang discloses that the spaced blocks (heat dispersing elements (111, 111')),

such as bamboo piece) are connected to each other at page 2, lines 5-7 of paragraph no. [0032] and page 4, lines 6-8 of paragraph no. [0053], Wang fails to explicitly disclose that the spaced blocks (heat dispersing elements (111, 111'), such as bamboo piece) are interconnected by connection threads.

Glenn discloses a plurality of spaced blocks (beads (16)) laid on the base (seat cover 24) interconnected by connection threads (22).

It would have been obvious to one of ordinary skill in the art at the time the invention was made of modify the replaceable bedding structure of Budinquest by including a plurality of spaced apart and interconnected blocks laid on the base as taught by Wang and interconnected those spaced apart blocks via connection threads as taught by Glenn in order to provide a cover having better air circulation features for the comfort of a user.

**As to claim 2,** Budinquest in view of Wang and Glenn discloses the replaceable bedding structure of claim 1 as discussed above, and Wang also discloses that the blocks (111) are flat bamboos (see page 2, lines 5-7 of paragraph no [0032]).

**As to claim 4,** Budinquest in view of Wang and Glenn discloses the replaceable bedding structure of claim 1 as discussed above, and Wang also discloses that the blocks (111') are spherical balls (see page 4, lines 6-8 of paragraph no. [0053]).

**Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Budinquest (U.S. Patent No. 2,789,292) in view of Wang (U.S. Patent Application**

**Publication No. 2004/0075310) and Glenn (U.S. Patent No. 5,333,930), as applied to claim 1 above, and further in view of Chuang (U.S. Patent No. 6,032,308).**

As to claim 3, Budinquest in view of Wang and Glenn discloses the replaceable bedding structure of claim 1 as discussed above.

However, although Budinquest does disclose that “[w]hile the connecting means 11 has been shown as being a conventional button, it will be clearly apparent that other forms of connectors may be employed, such as snap-fasteners or the like”, none of Budinquest, Wang, or Glenn explicitly discloses that the coupling section and the connecting section are zippers.

Chuang discloses a coupling section and connection section comprised of zippers.

It would have been obvious to one of ordinary skill in the art at the time the invention was made of modify the replaceable bedding structure of Budinquest in view of Wang and Glenn by replacing the button and button hole connection of Budinquest with a zippered connection as taught by Chuang in order to provide an easier and quicker means of connection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Various replaceable bedding structures are disclosed in U.S. Patent Application Publication No. 2004/0187210 to Hickman, U.S. Patent No. 6,928,675 and U.S. Patent Application Publication No. 2005/0150048 to Hamilton, U.S.

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Patent No. 4,309,784 to Cohen, U.S. Patent No. 5,144,911 to Moore et al., U.S. Patent No. 5,111,544 to Graebe, and U.S. Patent No. 823,929 to Coakley. Various air ventilation and cooling devices are disclosed in U.S. Patent No. 1,532,400 to Grafe, U.S. Patent No. 2,051,494 to Mitchell et al., U.S. Patent No. 6,182,315 to Lee, U.S. Patent No. 3,069,203 to Propus, U.S. Patent No. 2,551,741 to Hopper, and U.S. Patent No. 1,664,636 to Mayer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Safavi whose telephone number is (571)-272-7046. The examiner can normally be reached on Monday through Thursday, 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford can be reached on (571)-272-7049. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic  
Business Center (EBC) at 866-217-9197 (toll-free).

Michael Safavi, Primary Examiner  
October 2, 2005

A handwritten signature in black ink, appearing to read 'Michael Safavi', with a stylized, cursive script.

**MICHAEL SAFAVI  
PRIMARY EXAMINER  
ART UNIT 3673**